RECEIVED
MAR 28 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TER, 1979

NO. 79-6328

R. KEITH PIKE, et al.,

Plaintiff, Appellee,

vs.

LYLE H. PRENZLER,

Defendant, Appellant,

VERA KAMRATH, et al.,

Cross-Defendant, Appellee,

JURISDICTIONAL STATEMENT
RULES 15
OPINIONS BELOW 15(a)

Appellant, Lyle H. Prenzler, has been sued for a Sister State Money Judgment to which he has cross complained and sought rescission of contract in the Superior Court of Orange County California; and dismissal of appellees for lack of personal jurisdiction of some, for supposed lack of service summons with process, while judgment for Money Judgment allowed even though invalid, void, and an illegality for misrepresentation and lack of consideration, and set aside in Yuma County Arizona Superior Court after filing in Orange County; dismissal of appeal to Fourt District Court of Appeals, State of California while in default of filing appellee's Brief; upon application of one of appelles for dismissal; dismissing all causes and parties contrary to Rules of Federal Procedure Rule 56 and not in conformity with setting aside on same Rule 54 in Yuma Court as above. This action was petitioned for hearing in Supreme Court State California and same Hearing Denied on February 27, 1980. Notice of Appeal filed same Court on March 24, 1980. This is an appeal of multiple actions of same causes upon which three separate judgments have been obtained on same real estate and damages compounded, while injunctive relief has been sought in this as an interpleader action, or in the nature of an interpleader action against a class of (at least 40) adverse

class of co-conspirators pursuant to 28 U.S.C. 1343, and injunctive relief denied; inwhich Acts of Congress 15 U.S.C. 1, 15, 77 have been declared unconstitutional; and by the failure to joined all parties in one action; the jeopardy of this Appellant has been expoenentially increased to an adverse judgment by this failure of joinder and submission to multiple jeopardy. The United States of America has herein denied this citizen plaintiff equal protection of the laws, by discriminating against the appellant by direct evidence, amongst others, on court's own motion dismissing some of the within causes for failure to prosecute within one month, while in others, allowing judgments without trial over five years from date of filing when dismissal is mandatory under Cal.Cod. Civ. Proc. 583; and dismissing suit in which appellant was a defendant over 2½ years from filing for failure of appellant to prosecute; failure to file multiple appeals and allow appeals, by error of the court and its clerks, file multiple actions, take money for Marshal's Service and fail to return excess or account for funds, failure to correct clerk's error and order judgment nunc pro tunc, failure to allow venue, and especially where this appellant was a non-resident of Arizona and therefore discriminated against pursuant to Article 3 & 4 of U.S. Constitution, and denying similar actions against non-resident adverse parties in California. Petition to joined the United States as party and class of co-conspirators has been and is petitioned for herewith. The federal questions are substantial Zucht v. King 260 U.S. 174. Rights of this defendant Appellant have been denied to trial upon the merits, jury trial, freedom to travel and associate, freedom from discrimination, and entitlement to equal right to equal civil rights as a citizen of United Stoes and to right to immunities, privileges and rights of a citizen of this United States, appellant, as in laws, Acts, of Congress, and Constitution United States; and injured thereby; and appellant has been thus harmed irreparably and no other recouse except this appeal. This action is in affirmation of appellant to redress of lake of balance of the Courts in recent decisions to denial of civil rights as previously determined and demand to determine whether such civil rights are now declared null and void herein.

(

St te of California officials have also violated this appllant's rights as hereinabove, for silimar failure to file papers, suits, and appeals and to procice injunctive relief, transfer of jurisdiction; as have the official of the State of Arizona, and removal of jurisdiction has been denied in California under 28 U.S.C. 1443 and 1332 while allowed in Arizona while diversity of Corporations licensed to and doing business in California denied diversity as cited bases for removal. Citing as to Butz v. Economou 98 S.Ct. (1978) 2894 (1-12). No opinions abe available as reports, official or unofficial, delivered in the courts below, and are not appended as in Rules of this Court Rule 15 (1,a), (h). Notice of Supremem Court United States filed or mailed on March 5, 1980

JURISDICTION

This appeal invokes statutory provision 28 U.S.C. 1402 (a-1) (b,c); 28 U.S.C. 1346(2),(b), 28 U.S.C. 1252; 28 U.S.C. 1254 (2); 28 U.S.C. 1257(2); 28 U.S. C. 1443; 28 U.S.C. 1393; 28 U.S.C. 2101; 28 U.S.C. 28 U.S.C. 2103; 28 U.S.C. 2104; 28 U.S.C. 1441,28 U.S.C. 12(1)(4,b)

The cases believed to sustain the jurisdiction are:

1. New York ex rel. Bryant v. Zimmerman (1928) 278 U.S. 63
2. NY. N.H. H.R. Co. v. New York (1897) 165 U.S. 628
3. Cole v. Smith, CA Minn. (1905) 344 F2d 721;
4. Martina Theatre Corp. v. Schine ChainnTheatre 278 F2d798
5. Commonwealth of Pennsylvania v. Western Union Telegraph Co. (1901) 308 U.S. 71
6. Butz v. Economou 98 S.Ct. (1978) 2804

The validity of Statute Cal. Cod, Civ. Proc. 418.10 ruled as valid pursuant to 28 U.S.C. 1257(2) is as follows: "To quash service of summons on the ground of lack of jurisdiction of the court over him",is repugnant in that it is too broadbased allowing lack of personal jurisdiction for failure to serve process while not requiring contracts and contacts in California and not noting that notification is sufficient pursuant to 84 S.Ct. 115, and thus discriminatory to provide equal protection to appellant; and contrary to Feder l Interpleader Act. Cal. Cod. Civ. Proc. 1710/10 to 1710.05 "allows validity of judgemnt of sister State Money-Judgment to foreign state while allowing execution to California", and in denial of Full faith and requirements in California being

being accorded validity in the foreign state; and not requiring validity of judgment set aside in the foreign state.

Local Rule 42, of the Phoenix District Court denying appeal of orders supposedly in contempt of court for failure to comply with stipulation to pay for care costs of ranches, herein, of adverse parties or to answer interrogatories and judgment has twice herein ruled in favor of validity can have and has been used as a unauthorized stipulation by counsel of appellant to entrap the appellant and caused two unappealable judgments to be had and the court then judged for withdrawal of same counsel even though he had failed to appear and represent the appellant and report of unauthorized stipulations have not been acted on by State Bar of Arizona and Supreme Court of Arizona. and is now rightfully before this Supreme Court.

"Jurisdiction only to dismiss is not jurisdiction at all, for jurisdiction is the power to hear and determine the cause and a court which is prohibited from hearing and determining the cause lacks jurisdiction of the subject matter. Donner v. Supreme Court 82 C.A. 167.

Judgments herein dismissing action on base of improper permission of appellant to file counterclaim is not in conformity with Cal. Cod. Civ. Proc. 1710.40(a) "a judgment entered in this fashion(sister state money judgment)may be vacated on any ground which would be a defense to an action in California on a sister state judgment and Cal. Cod. Civ. Proc. 428.10 (a) "a party against whom a cause of action has been asserted in a complaint may file a cross-complaint".

QUESTIONS PRESENTED

1. Whether the trial court's dismissal for lack of service of summons with complaint and for supposed improper permission to file counterclaim on sister state money judgment; and upon application of one of appellees for dismissal of appeal of these judgments dismissing all appeals and parties and contrary to Rule of Federal Procedure Rule 54(b) which was the setting aside base for this sister state money-judgment in Arizona, and no trial as to the merits of the illegality for fraud and misrepresentation or rescission

and questionably allowing validity of sister state money judgment is a denial of jurisdiction and repugnant to laws and Constitution? of United States and validity of these repugnant statutes affirmed.

2. Whether the [illegible] removal from the State Court to the United States District Court has been denied; thereby denying injunctive relief and consolidation with pendent actions pursuant to Class actions and Interpleader actions Rule 22 & 23 Federal Rules of Civil Procedure, and denial of equal protection clause of XIV Amendment and other parts of Amendment V, I, VII, VI and Article 3 and 4 of United States Constitution?

3. Are three judgements made after request for injunctive relief under Federal Interpleader Act, on the same causes and awarding damages of a direct type for the same property of 20 Acres of Citrus in Yuma County Arizona, illegal?

4. Has the failure of the appellant to have representation and appearances by counsel in each of these three judgments with the enterring into of unauthorized stipulations by said counsel in a foreign state where appellant a defendant and ther discriminated against; and subsequent permissive withdrawal of said counsel by the courts of said foreign state, in effect affirming said unauthorized stipulations, and by failure of Supreme Court to exercise jurisdiction for disciplinary action against said attorneys when the State Bar arbitrarily failed to act on complaint by appellant, a denial of equal protection and other rights to equal civil rights?

5. Whether the direct evidence that cases on same causes have been judged on court's own motion to be dismissed for failure to prosecute in one month; while at the same time ruling on judgments five years after failure to prosecute, in favor of plaintiffs; and in similar actions against appellant as a defendant after two and one half years?

6. Is the United States rightfully a defendant for these obvious discriminatory judgments and denial of equal justice?

7. Are the multiple denials of right to equal civil rights by this citizen appellant a denial of rights of all citizens to the rights, privileges of laws, Acts Congress and Constitution U.S.?

8. Is the failure of court personnel to file suits and appeals on multiple occasions for the within, after denial of injunctive relief and consolidation because of multiple jeopardy; by appellant, a denial of equal justice and procedural due process and ultimately substantive due process, and these personnel classificable as within the class action as co-conspirators and the interpleader action?

STATEMENT OF THE CASE

This appeal from a sister state money judgment, which was illegal for fraud and misrepresentation by assignor of note to assignees, when purchaser of citrus ranches in Arizona filed to pay on note three years after sale for supposed same misrepresentation as to an issue not central to sale of character of rootstock, by same broker selling to appellant, and upon denial of agency by appellant, in 1976. On bringing the sister state money judgment in California, counterclaim and rescission or restitution of contract claimed, and judgment set aside in sister state of Arizona, site of real property involved, under Federal Rules of Civil Procedure, Rule 54, subsequent thereto. The sister state judgment was affirmed in California even though the counterclaim was never heard again, and rescission dismissed and parties of counter defendants, although not all of them, dismissed for failure to serve summons with complaint although attested to by serving officer, and for basis that counterclaim should have not been allowed. The stipulation by absent counsel for appellant in Arizona to allow money judgment and dismissing about twenty other codefendants of appellant and agreeing to pay $5000 attorney fees to above assignees. An appeal and removal was made, this appeal being denied while in default by appelles to file brief, upon application of one of appellees to dismiss, without cause, and while appellant in Arabia on government contract, and without notification. This appeal is from this dismissal by the Court of Appeals Fourth District State of California, but also for denial of injunctive relief, denial of removal, and for multiple judgments on the same re and on direct evidence of discrimination and denial of due

process by the courts and by the court personnel. The federal questions are substantial. Some of the state and federal statututes are repugnant to the laws and constitution of the United States and Acts of Congress. The attorneys of appellant have also failed to appear and represent and have caused unauthorized stipulations to be entered in each of the above referred to judgments against the appellant, one to pay for care of ranches of the same sale to hereinabove, purchasesrof said ranches, failure to file pretrial motions, and to answer interrogatories for appellant, which have entrapped this appellant into having judgments entered for contempt when appellant either notified or allowed appeals. Cases have been filed in same causes for interpleader or in nature of interpleader seeking to reduce multiple jeopardy and for tortious acts, and denial of and violations of Acts of Congress commonly referred to as the Sherman and Clayton Acts, and breach of contracts, denial of equal civil rights by class of co-conspirators pursuant to 28 U.S.C. 1343, 42 U.S.C. 1981, 1985, as a class action, and jurisdiciton and venue denied pursuant to venue provisions of XIV and V Amendments amongst others, as to equal protection and to discrimination against non-residents where a defendant. The dismissal herein is without cause and not within Federal Rules of Civil Procedure Rule 54, for which the case in Superior Court of Yuma Arizona sister state money judgment was set aside. Involved in this action are claims against ranch evaluators, care people, insurance companies, financial insitutions, lawyers for malpractice and professional lack of responsibility, and many others, all of which acts are on the same basic causes and facts and adverse to each other and based on diversity of plaintiff where convenience is in California where all acts sued on occurred, in absence of rem, where personal property of appellant is, and where multiple jeopardies increase possibility of judgments of same causes against appellant and exponentially increase hazards and liabilities and vexations for of multiple suits.

THE FEDERAL QUESTIONS AND STATE QUESTIONS

ARE SUBSTANTIAL

The multiple character of the cases herein on same cause, violations of laws, acts of Congress and Constitution of the United Staes give substantial federal questions in a class action which is within the Federal Interpleader Act and has denied injunctive relief, denied right to equal rights of this citizen of the United States to laws, privileges and immunites of citizens of the United States to equal protection and right to equal civil rights, against a class of co-conspirators seeking to deprive this citizen of these herein above rights and tortious acts, pendent thereto, as a class action against such co-conspirators, with direct evidence of the United States through and by its actions and employees, being within this calsss of co-conspirators. The state statutes referred to are repugnant to the laws and Constitution of United States and ruling has been made as to their validity. Joinder of all parties and actions pursuant to Federal Rules of Civil Procedure Rule 21 is sought. This appeal is important to all citiznes of the United States and affectdd by such statutes and acts of Congress and Constitution of the United States.

CONCLUSION

The complexity of this case, intended by the class of co-conspirators to drive this appellant from seeking and his ability to seek equable justice, makes necessary that counsel be appointed to aid in prosecution of this appeal, that procedural requirements are alone more than this appellant can overcome. Injunctive relief to stay the judgments are immediately needed. Joinder all parties and causes will help to diminish this onerous necessity of contesting multiple vexations and jeopardies. The actions in denial of full faith and credit as to validity and the prejudicial dismissal which may act as a weak res judicata against the appellant and be determinative of other causes. The immediate ruling that all judgments against this appellant are for the same rem and causes, and compounded upon this same rem. Review by rthis court on its merits is sought.

It is physically impossible to include all the decisions, judgments, orders in all of these herein actions, and a full review of at least 15 actions will be required in the absence of granting hearing and injunctive relief pursuant to Federal Rules of Civil Procedure Rule 22(1) Rule 23 and the Federal Interpleader Act(28 U.S. C. 2361, 1335 et al.,

Dated: March 2, 1980

Respectfully,

LYLE M. PRENZLER Pro Se
715 East Chapman Avenue
Orange, California 92666

714 639 1701

FOURTH APPELLATE DISTRICT

DIVISION TWO

FILED

[illegible] Clerk

R. KEITH PIKE et al
Plaintiffs and Respondents
vs.
LYLE H. PRENZLER
Defendant and Appellant
VERA KAMRATH & HOMER J. REED
Respondent and Cross-Defendant

NO. 4 CIV. 20525

COUNTY NO. 232061

THE COURT:

The Petition by appellant to set aside dismissal and to reinstate appeal, is GRANTED.

IT IS ORDERED that the dismissal order of August 28, 1979 is VACATED and the appeal is REINSTATED.

The appellant is granted ten (10) days from the date of this order to file opposition to the motion to dismiss appeal filed by the respondent on August 2, 1979.

Gardner, P.J.

Presiding Justice

CC:
Orange County Clerk, Santa Ana, Ca.
Lyle H. Prenzler, 715 E. Chapman Ave., Orange, Ca. 92666
Bretz & Hennigan, 124 Lasky Dr., Beverly Hills, Ca. 90212
Higgs, Fletcher & Mack, 1800 Home Tower, 707 Broadway, San Diego, Ca. 921

[illegible] any effort to comply with the provisions

FOURTH APPELLATE DISTRICT

DIVISION TWO

Filed [illegible]
Robert L. Fink, Clerk

[illegible] Deputy Clerk

[illegible] et al.
Plaintiffs and Respondents

vs.

LYLE H. PRENZLER
Defendant and Appellant

[illegible] and [illegible]
Respondents and Cross-Defendants

NO. 4 CIV. 20625

COUNTY NO. 292061

THE COURT:

The counsel for respondent having filed a motion to dismiss appeal and opposition having been filed thereto, the motion is GRANTED.

IT IS HEREBY ORDERED that the above entitled appeal be and hereby, is DISMISSED.

[illegible], P.J.
Presiding Justice

CC
Orange County Clerk, Courthouse, Santa Ana, Ca.
Hinds, Fletcher & Pack, 1000 Home Tower, 707 Broadway, San Diego, Ca.
Lyle H. Prenzler, 715 N. Chapman Ave., Orange, Ca. 92666
Bretz & Hennigan, 124 Lasky Dr., Beverly Hills, Ca. 90212

FOURTH APPELLATE DISTRICT

FILED

ROBERT L. FORD, Clerk

Deputy Clerk

DIVISION TWO

R. KEITH PIKE, et al
Plaintiffs and Respondent

vs.

LYLE H. PRENZLER
Defendant and Appellant
VERA KAMRATH & HOMER J. REED
Respondent and Cross-Defendant

NO. 4 CIV. 20625

COUNTY NO. 292061

THE COURT:

The request by appellant, in propria personа, petition for rehearing, treated as a petition to set aside order dismissing appeal, is DENIED.

Gardner, P.J.

Presiding Justice

CC
Orange County Clerk, Courthouse, Santa Ana, Ca.
Higgs, Fletcher & Mack, 1800 Home tower, 707 Broadway, San Diego, Ca.
Lyle H. Prenzler, 715 E. Chapman Ave., Orange, Ca. 92666
Bretz & Hennigan, 124 Lasky Dr., Beverly Hills, Ca. 90212

CLERK'S OFFICE, SUPREME COURT
4250 STATE BUILDING
SAN FRANCISCO, CALIFORNIA 94102

FEB 27 1970

I have this day filed Order

In re: 4 Civ. No. 20625

Pike

vs.

Prensler

Respectfully,

G. E. BISHEL
Clerk

LYLE H. PRENZLER
715 East Chapman Avenue
Orange, California 92666
714 639 1701

COURT OF APPEALS FORUTH DISTRICT STATE CALIFORNIA

R. KEITH PIKE, et al.,

Plaintiff, Appellee,

vs.

LYLE H. PRENZLER,

Defendant, Appellant,

VERA KAMRATH, ET AL.,

Cross-Defendants, Appellees.

4TH NO. 20625

SUPERIOR ORANGE COUNTY
292061

NOTICE OF APPEAL

LYLE H. PRENZLER, hereby appeals the Order dismissing the appeal in the above action, and the denial of petition for hearing to the Supreme Court State California; to the United States Supreme Court; for denial of injunctive relief or in nature thereof; and for denial of equal protection of the laws, statutes and Acts of Congress of the United States and United States Constitution; to this citizen; and for failure to assume jurisdiction; and to allow redress of injury to this appellant as provided in CCP 1710.40 and counterclaim as in CCP 426. 30(b), 426.40, 426.60 and ruling in favor of dismissal of parties when service of summons attested to by serving officer of summons with complaint. CCCP 416.

Dated: March 14, 1980

LYLE H. PRENZLER PRO SE

LYLE H. PRENZLER
715 East Chapman Ave.
Orange, California 92666
714 639 1701

COURT OF APPEALS FORUTH DISTRICT STATE CALIFORNIA

R. KEITH PIKE, et al.,
Plaintiff, Appellee,
vs.
LYLE H. PRENZLER,
Defendant, Appellant,
VERA KAMRATH, ET AL.,
Cross-Defendants, Appellees.

4TH NO. 2116d

SUPERIOR ORANGE COUNTY
292081

NOTICE OF APPEAL

LYLE H. PRENZLER, hereby appeals the Order dismissing the appeal in the above action, and the denial of petition for hearing to the Supreme Court State California; to the United States Supreme Court; for denial of injunctive relief or in nature thereof; and for denial of equal protection of the laws, statutes and Acts of Congress of the United States and United States Constitution; to this citizen; and for failure to assume jurisdiction; and to allow redress of injury to this appellant as provided in CCP 1710.40 and counterclaim as in CCP 426. 30(b), 426.40, 426.60 and ruling in f vor of dismissal of parties when service of summons attested to by serving officer of summons with complaint. CCCP 415.

Dated: March 14, 1980

LYLE H. PRENZLER PRO SE

LYLE H. PRENZLER
715 East Chapman Avenue
Orange, California 92666
714 639 1701

COURT OF APPEALS FORUTH DISTRICT STATE CALIFORNIA

R. KEITH PIKE, et al.,

Plaintiff, Appellee,

vs.

LYLE H. PRENZLER,

Defendant, Appellant,

VERA KAMRATH, ET AL.,

Cross-Defendants, Appellees.

4TH NO. 2/1991

SUPERIOR ORANGE COUNTY
292081

NOTICE OF APPEAL

LYLE H. PRENZLER, hereby appeals the Order dismissing the appeal in the above action, and the denial of petition for hearing to the Supreme Court State California; to the United States Supreme Court; for denial of injunctive relief or in nature thereof; and for denial of equal protection of the laws, statutes and Acts of Congress of the United States and United States Constitution; to this citizen; and for failure to assume jurisdiction; and to allow redress of injury to this appellant as provided in CCP 1710.40 and counterclaim as in CCP 426. 30(b), 426.40, 426.60 and ruling in favor of dismissal of parties when service of summons attested to by serving officer of summons with complaint. CCCP 418.

Dated: March 14, 1980

LYLE H. PRENZLER PRO SE

OFFICE OF THE CLERK
COURT OF APPEAL
FOURTH APPELLATE DISTRICT
STATE OF CALIFORNIA
ROBERT L. FORD, CLERK

LYLE H. PRENZLER
Northrop Peacehawk
P.O. Box 113
APO 09616
New York, New York

HIGGS, FLETCHER & MACK
1800 Home Tower
707 Broadway
San Diego, CA

RE: 4 CIVIL 20625 R. KEITH PIKE, et al, vs. LYLE H. PRENZLER
Orange County No. 292061

A Noticed Motion to Dismiss the above Appeal has been filed in this Court by the Respondent. You are directed to file Points and Authorities in Opposition to said Motion on or before August 17, 1979.

Dated: August 7, 1979

DIVISION II

ROBERT L. FORD, Clerk

By: David N. Johnson, Deputy Clerk

CC:
BRETZ & HENNIGAN
124 Lasky Drive
Beverly Hills, CA 90212

(Continued on reverse side)

ORANGE, CALIFORNIA 92666
(714) 639 1701

COURT APPEALS CALIFORNIA FOURTH

IN T DISTRICT DIVISION TWO RNIA

LYLE H. PRINZLER,

Cross-Complainant and Defendant, Appellant,

v.

R. KEITH PIKE, et al.,

Plaintiff, Cross-Defendants, Appellees.

4 Civ 20625

NO. 20 20 61

NOTICE OF APPEAL

LYLE H. PRINZLER, hereby appeals the Order of the Superior Court of Orange County, dated August 17, 1979, Robert C. Todd, Judge. Motion to Proceed in Forma Pauperis with Declaration accompies this Notice. Appointment of Counsel is requested.

Dated: October 3, 1979

LYLE H. PRINZLER PRO PER

Copies to Opposing Counsel

DECLARATION LYLE H. PRINZLER

LYLE H. PRINZLER, declares that he has been without forwarding address from July 20, 1979 to September 20, 1979 and has so informed the Court, and no notice of said Order was received of August 17, 1979.

Dated: October 3, 1979

LYLE H. PRINZLER

+60
Dec 3 1979

4th Civil No. 20625

Deputy

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

PIKE ET AL.

v.

PRENZLER

The time for granting or denying a hearing in the above cause is hereby extended to and including March 17, 1980 or the date upon which a hearing is either granted or denied.

Bird

Chief Justice

---

714 639 1701

LYLE H. PRENZLER
715 East Chapman Avenue
Orange, California 92666
714 639 1701

SUPREME COURT OF THE STATE OF CALIFORNIA

R. KEITH PIKE, et al., Plaintiff, Appellee, vs. Lyle H. PRENZLER, Defendant, Appellant, VERA KAMRATH, et al., Cross-Defendant, Appellees.	4TH CIVIL 20625 NOTICE OF APPEAL

LYLE H. PRENZLER, APPEALS the Order of February 27, 1980, in the above Cause to the UNITED STATES SUPREME COURT, for failure to assume jurisdiction, for failure to grant hearing, for failure to grant relief in the nature of injunction, and for denial of my right to equal civil rights as a citizen of the United States.

Dated: March 2, 1980

Respectfully,

LYLE H. PRENZLER IN PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

R. KEITH PIKE AND JOSEPHINE PIKE KARL MEHATH AND MARGUERITE MEHARTH et al., PLAINTIFF(S) vs LYLE H. PRENZLER, DEFENDANT(S)	CASE NUMBER 29-20-61 NOTICE OF ENTRY OF JUDGMENT/ORDER ORDER OF DISMISSAL

To the above named parties and to their attorneys of record:

You are hereby notified that judgment/order in the above entitled matter was entered in _____ Book Number _____

Page Number _____ on September 18, 1978.

W. E. ST JOHN, County Clerk and Clerk of the Superior Court of the State of California for the County of Orange.

By _____ Deputy.

CERTIFICATE OF MAILING

I, W. E. ST JOHN, County Clerk and Clerk of the Superior Court of the State of California for the County of Orange, and not a party to the within action, hereby certify: that on Sept. 19, 1978 *, 19 , I served notice of entry of judgment/order on the parties in the within action, by depositing true copies thereof, inclosed in sealed envelopes with postage thereon fully prepaid in the United States Post Office mail box at Santa Ana, California addressed as follows:*

MARK S. RAYNES
Attorney at Law
1800 Home Tower
707 Broadway
San Diego, CA 92101

LYLE H. PRENZLER
715 E. Chapman Ave.
Orange, CA 92666

BRETZ and HEMINGAN
124 Lasky Dr.
Beverly Hills, CA 90212

Dated Sept. 19, 1978, 19

W. E. ST JOHN, County Clerk and Clerk of the Superior Court of the State of California for the County of Orange.

By _____ Deputy.

NOTICE OF ENTRY OF JUDGMENT/ORDER

OFFICE OF THE CLERK
COURT OF APPEAL
FOURTH APPELLATE DISTRICT
STATE OF CALIFORNIA
ROBERT L. FORD, CLERK

LYLE H. PRENZLER
715 E. Chapman Avenue
Orange, CA 92666

RE: 4CIV.20625 R. KEITH PIKE, et al, vs LYLE H. PRENZLER
Orange County No. 292061

You are notified that the record on appeal has been filed this date and assigned the above number.

The opening brief is due within thirty (30) days from this date (Rule 16, Rules of Court).

DATED: April 26, 1979

DIVISION II

ROBERT L. FORD, Clerk

By: David N. Johnson, Deputy Clerk

cc: HIGGS, FLETCHER & MACK
1800 Home Tower
707 Broadway,
San Diego, CA

BRETZ & HENNIGAN
124 Lasky Drive
Beverly Hills, CA 90212

LYLE H. PRENZLER M.D.
918 E. CHAPMAN
ORANGE, CALIFORNIA 92666
PHONE (714) 639-1701

CLERK CIVIL
SUPERIOR COURT OF THE STATE OF CALIFORNIA
700 CIVIC CENTER DRIVE WEST
SANTA ANA CALIFORNIA 92701

RE: REQUEST TO ENTER DEFAULT, PIKE AND MENATH 29 20 61
February 13, 1979

I have previously repeatedly filed a request to enter default from November 7, 1978, with your office, and have had it repeatedly returned and with no explanatory comment, in the above matter.

I would very much appreciate, if you would examine the enclosed Request to enter default, original and two copies, and return with a note of explanation if not accepted, and conform if accepted and file, returning two copies in the enclosed self addressed envelope.

It may help, in establishing acceptance, if you will examine the Order of the Honorable Robert C. Todd, Judge of the Superior Court of the State of California for the County of Orange, dated December 7, 1978, page 2, line 10 & 11. and the Second Amended Cross-Complaint of Cross-Complainant, Lyle H. Prenzler, Demurrer to by Cross-Defendant.

DATED: February 13, 1979

PRENZLER

QUIK-NOTE

In the interest of speed and economy, we are responding to your inquiry on your letter. If you need further information, please call or write.

William E. St John
CLERK OF
THE SUPERIOR COURT

P0102-000

Dear Sir: I would appear you signed for Clerk Judgment was previously returned with note of explanation (copy attached) However a review of the record reflects that the case is on appeal, and on December 7, 1978, Judge Todd ruled on defendant's Demurrer to your 2nd Amended Cross-complaint, and ainty said Demurrer without leave to amend. The effect being that you may not file another complaint, before the Court on which to enter either a judgment of dismissal

SUPERIOR COURT OF ORANGE COUNTY STATE OF CALIFORNIA

R. KEITH PIKE, et al.,

Plaintiffs,

v.

LYLE H. PHEMISTER,

Defendant,

CASE NO. 29 20 61

NOTICE OF APPEAL

LYLE H. PHEMISTER,

Cross-Complainant,

v.

R. KEITH PIKE, et al.,

Cross-Defendants.

LYLE H. PHEMISTER, hereby appeals the Order of Robert C. Todd, in the above Court, of December 8, 1978, and asks that this Appeal be Consolidated with prior Appeal in this same Case, AND ALL ORDERS while removed August 26,1978 on Tod Through December 11, 1978

DATED: December 31 1978

Respectfully submitted,

LYLE H. PHEMISTER, IN PRO PER

State of California
County of Orange
700 CIVIC CENTER DRIVE WEST
Santa Ana, California 92701

FILED
DEC 8 1978

December 7, 1978

Lyle H. Prenzler
715 East Chapman Ave
Orange, CA 92666

Bretz and Hennigan
124 Lasky Drive
Beverly Hills, CA 90212

Mark S. Raynes
Attorney at Law
Higgs, Fletcher & Mack
1800 Home Tower
707 Broadway
San Diego, CA 92101

Alvin J. Ufkes, Esq.
601 E. Chapman Ave.
Orange, CA 92660

Re: Pike vs. Prenzler
Case No. 29 20 61

Gentlemen:

This is a strange file!

On February 8, 1977, plaintiffs (four) obtained a judgment against the defendant in the Superior Court, Yuma County, Arizona.

On June 12, 1978, the plaintiffs obtained a judgment on the sister state judgment, in the Superior Court, Orange County, California (this "case").

On July 11, 1978, defendant moved to vacate the California judgment. That matter was set for hearing on September 15, 1978.

Also, on July 11, 1978, defendant filed (1) "Notice of Rescission of Contract", (2) "Compulsory Cross Complaint . . . ," and, on July 12, 1978, (3) a "First Ammended (sic) Compulsory Cross Complaint," with a (4) "First Ammended (sic) Notice of Rescission of Contract." Summons, somehow, was issued on the first amended cross complaint.

Cross defendants Homer J. Reed, Fred Kamrath and Vera Kamrath moved to quash summons and service, on non-resident

jurisdictional grounds. Their motions were granted on August 28, 1978, and October 2, 1978. Defendant, on October 16, 1978, filed his notice of appeal of these rulings.

In the meantime, though, plaintiffs (as cross-defendants) demurred to defendant's cross-complaint. The demurrers were sustained on August 31, 1978, defendant being given 30 days in which to amend. Defendant filed a second amended cross-complaint on September 26, 1978. On October 30, 1978, the demurrers of plaintiffs to the second amended complaint were filed. As far as the court can tell, no hearing on these demurrers has ever been noticed, scheduled or held.

Defendant's motion to vacate the California judgment was heard, denied and ruling entered on September 15, 1978.

On October 10, 1978, defendant filed a "Notice of Petition for Removal", defendant stating, in that document, "the within proceedings have been petitioned for removal to the United States District Court for the Central District California." On that matter, the court's file reflects nothing further.

(1) Defendant was served to appear for a judgment debtor examination on November 2, 1978. On that date, the examination was continued to December 6, 1978.

(2) On September 28, 1978, plaintiffs filed a Memorandum of Costs for $2,396.95. On October 2, 1978, defendant filed a notice of motion to tax costs. That matter was set to be heard on November 2, 1978, but was continued to December 6, 1978, for hearing. Concurrently, defendants Motion to Strike the Cost Bill was set for hearing on December 6, 1978.

(3) Cross-defendants Reed and the Kamraths mailed a Memorandum of Costs to the Court on October 18, 1978, costs claimed being $156.57. That memorandum was received by the Court on October 20, 1978. On October 19, 1978, defendant filed notices to tax costs and to strike the cost bills, the matters being set for hearing on November 24, 1978. On November 1, 1978, the cross-defendants filed a "Response to Motion to Tax Costs", in which documents the cross-defendants state that

they "will not oppose Dr. Prenzler's Motion to Tax Costs. For some reason, not reflected in the record, this set of notices was placed off-calendar.

(4) Defendant filed a "Notice of Motion to Continue" on November 24, 1974, for hearing on December 6, 1978. The notice did not state what it was that defendant wanted continued but, from his declaration, it appears that the defendant wanted to continue the judgment debtor examination and further appears that the defendant was requesting the continuance to a time beyond the hearing and trial on his cross-complaint in this court and/or in the United States District Court, District of Arizona.

(5) Defendant, on November 28, 1978, filed a notice of motion for preliminary injunction, permanent injunction, and temporary and permanent restraining orders, these set for hearing on December 6, 1978.

December 6, 1978:

Defendant, accompanied by Alvin J. Ufkes, Esquire (special appearance), and Mark S. Raynes, Esquire, for plaintiffs, appeared and sought continuances of every issue. The Court refused those requests and rules as follows:

(4) The motion of defendant for a continuance is denied, as to all issues.

(1) The judgment debtor examination, after a hearing in chambers (the court reporter not reporting the latter portion of that hearing), was ordered to proceed today.

(3) The motions to tax and to strike the costs of cross-defendants (Kamratha and Reed) are restored to the calendar, on the court's own motion and are granted.

(2) As to the costs claimed by plaintiffs, as stated above, the motion to vacate the judgment was decided, and that decision entered, on September 15, 1978. Defendant

opposes plaintiffs' right to recover those costs on the grounds that Section 1021, Code of Civil Procedure, does not permit recovery of attorneys fees, that Section 1033, Code of Civil Procedure, requires service and filing within ten days after the entry of the Court's decision, and does not permit recovery of the items listed. The cost billed was filed with the Court on September 28, 1978.

For the grounds stated, defendant's motions to tax costs and to strike the cost bills are granted.

(5) Defendant's cross-complaint should not have been accepted for filing in this Court. The summons issued on the cross-complaint should not have been issued. (Sections 428.10, 428.50, Code of Civil Procedure) The cross-complaint was filed after judgment had been entered on the complaint (admittedly, defendant was not in a position to do much about that) and without leave of Court.

The Court has, on its own motion and without notice to the parties, set the hearing on the demurrers to the second amended cross-complaint for December 6, 1978. The court, exercising judicial notice of the court's file, the applicable law, the second amended complaint and the demurrers thereto, sustains the demurrers to all causes of action pleaded without leave to amend.

The net effect of this is to leave defendant to his remedies to the District Court of Appeal, Fourth District, the United States District Court, District of Arizona and, if available for relief, the United States District Court, Central District of California.

Counsel for plaintiff is to prepare, file and serve a formal "Judgment, Order and Ruling" for this Court's signature, embodying all the decisions set forth above.

Very truly yours,

Robert C. Todd
Judge of the Superior Court

RCT:m

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Attorneys for Cross Defendant
Homer J. Reed

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

R. KEITH PIKE AND JOSEPHINE PIKE KARL MENATH and MARGUERITE MENARTH et al., Plaintiffs, LYLE H. PRENZLER, Defendant.	CASE No. 29-20-61 NOTICE OF RULING
LYLE H. PRENZLER, Cross Complainant v. HOMER J. REED; FRED KAMRATH; VERA KAMRATH; YUMA REALTY; R. KEITH PIKE; JOSEPHINE PIKE; KARL MENATH; MARGUERITE MENATH; Cross Defendants.	

PLEASE TAKE NOTICE that on Monday, August 28, 1978, following hearing, the Court granted defendant Fred W. Kamrath's motion to quash service of process and his motion to dismiss for lack of personal jurisdiction. Similarly, following argument, the Court granted defendant Homer Reed's motion to quash service

of process and his motion to dismiss for lack of personal jurisdiction.

The Court noted that this dismissal was not on the merits, and would not prejudice Dr. Prenzler's ability to proceed in a proper forum.

Dated: September 12, 1978.

Respectfully submitted,

BRETZ & HENNIGAN

By _____
J. Michael Hennigan
Attorneys for Cross-defendant
Homer J. Reed